

1 Brian L. Hoffman (State Bar No. 150824)
2 bhoffman@wshblaw.com
3 Crystal L Rorabaugh (State Bar No. 313093)
4 crorabaugh@wshblaw.com
5 **WOOD, SMITH, HENNING & BERMAN LLP**
6 10960 Wilshire Boulevard, 18th Floor
7 Los Angeles, California 90024-3804
8 Phone: 310.481.7600 ♦ Fax: 310.481.7650
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10 Attorneys for Defendant, JULIA TIDIK, NP
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

12 LINDA COOPER, Individually, And
13 On Behalf Of The Estate Of Decedent,
14 ELINA QUINN BRANCO,

15 Plaintiffs,

16 v.

17 COUNTY OF SAN LUIS OBISPO, a
18 governmental entity, form unknown;
19 SIERRA MENTAL WELLNESS
20 GROUP, a California Non-Profit
21 Corporation, JASON HOOSON,
22 individually, SAVANNAH
23 WILLIAMS, individually; JOSH
24 SIMPSON, individually; BONNIE
25 SAYERS, individually; JULIA TIDIK,
individually; BETHANY AURIOLES,
individually, JANET BROWN,
individually, SHELLE WATSON,
individually; DOES 1 through 10,
inclusive,

Defendants.

Case No. 2:24-cv-08187-DDP-AJR
**DEFENDANT JULIA TIDIK'S
ANSWER TO PLAINTIFFS'
COMPLAINT; DEMAND FOR
JURY TRIAL**

District Judge Hon. Stephen v. Wilson

Trial Date: None Set

26 COMES NOW Defendant, JULIA TIDIK, NP, (hereafter referred to as "this
27 answering Defendant") to answer Plaintiff, LINDA COOPER, Individually, And on
28 Behalf of the Estate of Decedent, ELINA QUINN BRANCO (hereafter referred to as

1 "Plaintiff"), Complaint, for herself and no other Defendant, and admits, denies, and
2 alleges as follows:

3 1. Answering Paragraph 1, this answering Defendant submits that no
4 answer is required, as Paragraph 1 merely purports to recite the Plaintiffs. To the
5 extent that a response may be required, this answering Defendant lacks information
6 enough to form a belief as to the truth of the other allegations contained within this
7 Paragraph of the Complaint and therefore denies, generally and specifically, each and
8 every allegation.

9 2. Answering Paragraph 2, this answering Defendant states that the
10 paragraph contains speculation, a narrative not factual allegations, legal conclusions
11 and/or arguments to which no response is required. To the extent that a response may
12 be required, this answering Defendant denies the allegations contained therein as to
13 any alleged actions or inactions as to this answering Defendant, and expressly denies
14 any alleged deliberately indifferent actions. Furthermore, this answering Defendant
15 lacks information enough to form a belief as to the truth of the other allegations
16 contained within this Paragraph of the Complaint and therefore denies, generally and
17 specifically, each and every other allegation contained within this Paragraph of the
18 Complaint.

19 3. Answering Paragraph 3, this answering Defendant states that the
20 paragraph contains speculation, a narrative not factual allegations, legal conclusions
21 and/or arguments to which no response is required. To the extent that a response may
22 be required, this answering Defendant denies the allegations contained therein as to
23 any alleged actions or inactions of this answering Defendant, and expressly denies
24 any alleged deliberately indifferent actions. Furthermore, this answering Defendant
25 lacks information enough to form a belief as to the truth of the other allegations
26 contained within this Paragraph of the Complaint and therefore denies, generally and
27 specifically, each and every other allegation contained within this Paragraph of the
28 Complaint.

1 4. Answering Paragraph 4, this answering Defendant states that the
2 paragraph contains legal conclusions and/or arguments regarding the claimed legal
3 basis for Plaintiff's requested relief to which no response is required. To the extent a
4 response is required, this answering Defendant lacks information enough to form a
5 belief as to the truth of the allegations contained within this Paragraph of the
6 Complaint and therefore denies, generally and specifically, each and every allegation.

7 5. Answering Paragraph 5, this answering Defendant lacks information
8 enough to form a belief as to the truth of the allegations contained within this
9 Paragraph of the Complaint and therefore denies, generally and specifically, each and
10 every allegation.

11 6. Answering Paragraph 6, , this answering Defendant lacks information
12 enough to form a belief as to the truth of the allegations contained within this
13 Paragraph of the Complaint and therefore denies, generally and specifically, each and
14 every allegation.

15 7. Answering Paragraph 7, this answering Defendant lacks information
16 enough to form a belief as to the truth of the allegations contained within this
17 Paragraph of the Complaint and therefore denies, generally and specifically, each and
18 every allegation.

19 8. Answering Paragraph 8, this answering Defendant states that the
20 paragraph contains speculation, a narrative not factual allegations, legal conclusions
21 and/or arguments to which no response is required. To the extent that a response may
22 be required, this answering Defendant lacks information enough to form a belief as to
23 the truth of the allegations contained within this Paragraph of the Complaint and
24 therefore denies, generally and specifically, each and every allegation.

25 9. Answering Paragraph 9, this answering Defendant lacks information
26 enough to form a belief as to the truth of the allegations contained within this
27 Paragraph of the Complaint and therefore denies, generally and specifically, each and
28 every allegation.

1 10. Answering Paragraph 10, this answering Defendant states that the
2 paragraph contains speculation, a narrative not factual allegations, legal conclusions
3 and/or arguments to which no response is required. To the extent that a response may
4 be required, this answering Defendant lacks information enough to form a belief as to
5 the truth of the allegations contained within this Paragraph of the Complaint and
6 therefore denies, generally and specifically, each and every allegation.

7 11. Answering Paragraph 11, this answering Defendant lacks information
8 enough to form a belief as to the truth of the allegations contained within this
9 Paragraph of the Complaint and therefore denies, generally and specifically, each and
10 every allegation.

11 12. Answering Paragraph 12, Defendant states that the paragraph contains
12 legal conclusions and/or arguments to which no response is required. To the extent
13 that a response may be required, this answering Defendant admits.

14 13. Answering Paragraph 13, this answering Defendant admits that the San
15 Luis Obispo Crisis Stabilization Unit is located at 2180 B. Johnson Av., San Luis
16 Obispo, CA 93401. Furthermore, this answering Defendant lacks information enough
17 to form a belief as to the truth of the remaining allegations contained within this
18 Paragraph of the Complaint and therefore denies, generally and specifically, each and
19 every other allegation contained within this Paragraph of the Complaint.

20 14. Answering Paragraph 14, this answering Defendant admits that Sierra
21 Mental Wellness Group is a non-profit California Corporation. Furthermore, this
22 answering Defendant lacks information enough to form a belief as to the truth of the
23 remaining allegations contained within this Paragraph of the Complaint and therefore
24 denies, generally and specifically, each and every other allegation contained within
25 this Paragraph of the Complaint.

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1 15. Answering Paragraph 15, this answering Defendant lacks information
2 enough to form a belief as to the truth of the allegations contained within this
3 Paragraph of the Complaint and therefore denies, generally and specifically, each and
4 every allegation.

5 16. Answering Paragraph 16, this answering Defendant lacks information
6 enough to form a belief as to the truth of the allegations contained within this
7 Paragraph of the Complaint and therefore denies, generally and specifically, each and
8 every allegation.

9 17. Answering Paragraph 17, this answering Defendant lacks information
10 enough to form a belief as to the truth of the allegations contained within this
11 Paragraph of the Complaint and therefore denies, generally and specifically, each and
12 every allegation.

13 18. Answering Paragraph 18, this answering Defendant lacks information
14 enough to form a belief as to the truth of the allegations contained within this
15 Paragraph of the Complaint and therefore denies, generally and specifically, each and
16 every allegation.

17 19. Answering Paragraph 19, this answering Defendant lacks information
18 enough to form a belief as to the truth of the allegations contained within this
19 Paragraph of the Complaint and therefore denies, generally and specifically, each and
20 every allegation.

21 20. Answering Paragraph 20, this answering Defendant lacks information
22 enough to form a belief as to the truth of the allegations contained within this
23 Paragraph of the Complaint and therefore denies, generally and specifically, each and
24 every allegation.

25 21. Answering Paragraph 21, this answering Defendant admits to being the
26 on-call nurse practitioner, acting in an individual capacity and not as a state actor.
27 This answering Defendant specifically denies, at any time relevant to the complaint,
28 being in an employer-employee or principal-agent relationship with SIERRA, or

1 acting as an agent for San Luis Obispo County. At all times relevant to the complaint,
2 this answering Defendant was an independent contractor acting within the course and
3 scope of her Service Contract with Sierra Mental Wellness Group. This answering
4 Defendant denies, generally and specifically, each and every remaining allegation
5 contained within this paragraph.

6 22. Answering Paragraph 22, this answering Defendant lacks information
7 enough to form a belief as to the truth of the allegations contained within this
8 Paragraph of the Complaint and therefore denies, generally and specifically, each and
9 every allegation.

10 23. Answering Paragraph 23, this answering Defendant lacks information
11 enough to form a belief as to the truth of the allegations contained within this
12 Paragraph of the Complaint and therefore denies, generally and specifically, each and
13 every allegation.

14 24. Answering Paragraph 24, denies, generally and specifically, each and
15 every allegation pertaining to this Answering Defendant. Furthermore, this answering
16 Defendant lacks information enough to form a belief as to the truth of the remaining
17 allegations contained within this Paragraph of the Complaint and therefore denies,
18 generally and specifically, each and every other allegation contained within this
19 Paragraph of the Complaint.

20 25. Answering Paragraph 25, this answering Defendant lacks information
21 enough to form a belief as to the truth of the allegations contained within this
22 Paragraph of the Complaint and therefore denies, generally and specifically, each and
23 every allegation.

24 26. Answering Paragraph 26, this answering Defendant lacks information
25 enough to form a belief as to the truth of the allegations contained within this
26 Paragraph of the Complaint and therefore denies, generally and specifically, each and
27 every allegation.

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1 27. Answering Paragraph 27, this answering Defendant lacks information
2 enough to form a belief as to the truth of the allegations contained within this
3 Paragraph of the Complaint and therefore denies, generally and specifically, each and
4 every allegation.

5 28. Answering Paragraph 28, this answering Defendant lacks information
6 enough to form a belief as to the truth of the allegations contained within this
7 Paragraph of the Complaint and therefore denies, generally and specifically, each and
8 every allegation.

9 29. Answering Paragraph 29, this answering Defendant lacks information
10 enough to form a belief as to the truth of the allegations contained within this
11 Paragraph of the Complaint and therefore denies, generally and specifically, each and
12 every allegation.

13 30. Answering Paragraph 30, this answering Defendant lacks information
14 enough to form a belief as to the truth of the allegations contained within this
15 Paragraph of the Complaint and therefore denies, generally and specifically, each and
16 every allegation.

17 31. Answering Paragraph 31, this answering Defendant lacks information
18 enough to form a belief as to the truth of the allegations contained within this
19 Paragraph of the Complaint and therefore denies, generally and specifically, each and
20 every allegation.

21 32. Answering Paragraph 32, this answering Defendant lacks information
22 enough to form a belief as to the truth of the allegations contained within this
23 Paragraph of the Complaint and therefore denies, generally and specifically, each and
24 every allegation.

25 33. Answering Paragraph 33, this answering Defendant lacks information
26 enough to form a belief as to the truth of the allegations contained within this
27 Paragraph of the Complaint and therefore denies, generally and specifically, each and
28 every allegation.

1 34. Answering Paragraph 34, this answering Defendant lacks information
2 enough to form a belief as to the truth of the allegations contained within this
3 Paragraph of the Complaint and therefore denies, generally and specifically, each and
4 every allegation.

5 35. Answering Paragraph 35, this answering Defendant lacks information
6 enough to form a belief as to the truth of the allegations contained within this
7 Paragraph of the Complaint and therefore denies, generally and specifically, each and
8 every allegation.

9 36. Answering Paragraph 36, this answering Defendant lacks information
10 enough to form a belief as to the truth of the allegations contained within this
11 Paragraph of the Complaint and therefore denies, generally and specifically, each and
12 every allegation.

13 37. Answering Paragraph 37, this answering Defendant lacks information
14 enough to form a belief as to the truth of the allegations contained within this
15 Paragraph of the Complaint and therefore denies, generally and specifically, each and
16 every allegation.

17 38. Answering Paragraph 38, this answering Defendant lacks information
18 enough to form a belief as to the truth of the allegations contained within this
19 Paragraph of the Complaint and therefore denies, generally and specifically, each and
20 every allegation.

21 39. Answering Paragraph 39, this answering Defendant lacks information
22 enough to form a belief as to the truth of the allegations contained within this
23 Paragraph of the Complaint and therefore denies, generally and specifically, each and
24 every allegation.

25 40. Answering Paragraph 40, this answering Defendant lacks information
26 enough to form a belief as to the truth of the allegations contained within this
27 Paragraph of the Complaint and therefore denies, generally and specifically, each and
28 every allegation.

1 41. Answering Paragraph 41, this answering Defendant lacks information
2 enough to form a belief as to the truth of the allegations contained within this
3 Paragraph of the Complaint and therefore denies, generally and specifically, each and
4 every allegation.

5 42. Answering Paragraph 42, this answering Defendant lacks information
6 enough to form a belief as to the truth of the allegations contained within this
7 Paragraph of the Complaint and therefore denies, generally and specifically, each and
8 every allegation.

9 43. Answering Paragraph 43, this answering Defendant lacks information
10 enough to form a belief as to the truth of the allegations contained within this
11 Paragraph of the Complaint and therefore denies, generally and specifically, each and
12 every allegation.

13 44. Answering Paragraph 44, this answering Defendant lacks information
14 enough to form a belief as to the truth of the allegations contained within this
15 Paragraph of the Complaint and therefore denies, generally and specifically, each and
16 every allegation.

17 45. Answering Paragraph 45, this answering Defendant lacks information
18 enough to form a belief as to the truth of the allegations contained within this
19 Paragraph of the Complaint and therefore denies, generally and specifically, each and
20 every allegation.

21 46. Answering Paragraph 46, this answering Defendant lacks information
22 enough to form a belief as to the truth of the allegations contained within this
23 Paragraph of the Complaint and therefore denies, generally and specifically, each and
24 every allegation.

25 47. Answering Paragraph 47, this answering Defendant admits to the extent
26 that Decedent BRANCO was admitted to the CSU as a 5150 hold. Furthermore, this
27 answering Defendant lacks information enough to form a belief as to the truth of the
28 remaining allegations contained within this Paragraph of the Complaint and therefore

1 denies, generally and specifically, each and every other allegation contained within
2 this Paragraph of the Complaint.

3 48. Answering Paragraph 48, this answering Defendant lacks information
4 enough to form a belief as to the truth of the allegations contained within this
5 Paragraph of the Complaint and therefore denies, generally and specifically, each and
6 every allegation.

7 49. Answering Paragraph 49, this answering Defendant lacks information
8 enough to form a belief as to the truth of the allegations contained within this
9 Paragraph of the Complaint and therefore denies, generally and specifically, each and
10 every allegation.

11 50. Answering Paragraph 50, this answering Defendant lacks information
12 enough to form a belief as to the truth of the allegations contained within this
13 Paragraph of the Complaint and therefore denies, generally and specifically, each and
14 every allegation.

15 51. Answering Paragraph 51, this answering Defendant lacks information
16 enough to form a belief as to the truth of the allegations contained within this
17 Paragraph of the Complaint and therefore denies, generally and specifically, each and
18 every allegation.

19 52. Answering Paragraph 52, this answering Defendant lacks information
20 enough to form a belief as to the truth of the allegations contained within this
21 Paragraph of the Complaint and therefore denies, generally and specifically, each and
22 every allegation.

23 53. Answering Paragraph 53, this answering Defendant lacks information
24 enough to form a belief as to the truth of the allegations contained within this
25 Paragraph of the Complaint and therefore denies, generally and specifically, each and
26 every allegation.

27 54. Answering Paragraph 54, this answering Defendant lacks information
28 enough to form a belief as to the truth of the allegations contained within this

1 Paragraph of the Complaint and therefore denies, generally and specifically, each and
2 every allegation.

3 55. Answering Paragraph 55, this answering Defendant admits to the extent
4 that 911 was contacted, and notes that Defendant AURIOLES admitted in her Answer
5 filed on November 7, 2024, that she was the individual who called to report Decedent
6 BRANCO's unresponsiveness. Furthermore, this answering Defendant lacks
7 information enough to form a belief as to the truth of the remaining allegations
8 contained within this Paragraph of the Complaint and therefore denies, generally and
9 specifically, each and every other allegation contained within this Paragraph of the
10 Complaint.

11 56. Answering Paragraph 56, this answering defendant admits to the extent
12 that a mobile crisis response team from the SLO Fire department responded to the
13 CSU to attend to Decedent BRANCO. Furthermore, this answering Defendant lacks
14 information enough to form a belief as to the truth of the remaining allegations
15 contained within this Paragraph of the Complaint and therefore denies, generally and
16 specifically, each and every other allegation contained within this Paragraph of the
17 Complaint.

18 57. Answering Paragraph 57, this answering Defendant lacks information
19 enough to form a belief as to the truth of the allegations contained within this
20 Paragraph of the Complaint and therefore denies, generally and specifically, each and
21 every allegation.

22 58. Answering Paragraph 58, this answering Defendant lacks information
23 enough to form a belief as to the truth of the allegations contained within this
24 Paragraph of the Complaint and therefore denies, generally and specifically, each and
25 every allegation.

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1 59. Answering Paragraph 59, this answering Defendant lacks information
2 enough to form a belief as to the truth of the allegations contained within this
3 Paragraph of the Complaint and therefore denies, generally and specifically, each and
4 every allegation.

5 60. Answering Paragraph 60, this answering Defendant lacks information
6 enough to form a belief as to the truth of the allegations contained within this
7 Paragraph of the Complaint and therefore denies, generally and specifically, each and
8 every allegation.

9 61. Answering Paragraph 61, this answering Defendant lacks information
10 enough to form a belief as to the truth of the allegations contained within this
11 Paragraph of the Complaint and therefore denies, generally and specifically, each and
12 every allegation.

13 62. Answering Paragraph 62, this answering Defendant lacks information
14 enough to form a belief as to the truth of the allegations contained within this
15 Paragraph of the Complaint and therefore denies, generally and specifically, each and
16 every allegation.

17 63. Answering Paragraph 63, this answering Defendant lacks information
18 enough to form a belief as to the truth of the allegations contained within this
19 Paragraph of the Complaint and therefore denies, generally and specifically, each and
20 every allegation.

21 64. Answering Paragraph 64, this answering Defendant lacks information
22 enough to form a belief as to the truth of the allegations contained within this
23 Paragraph of the Complaint and therefore denies, generally and specifically, each and
24 every allegation.

25 65. Answering Paragraph 65, this answering Defendant lacks information
26 enough to form a belief as to the truth of the allegations contained within this
27 Paragraph of the Complaint and therefore denies, generally and specifically, each and
28 every allegation.

1 66. Answering Paragraph 66, this answering Defendant states that the
2 paragraph contains speculation, a narrative not factual allegations, legal conclusions
3 and/or arguments to which no response is required. To the extent that a response is
4 required, this answering Defendant admits that the CSU staffing monitoring area is in
5 the same open living area as clients. This answering Defendant denies that there is
6 unobstructed visual sight to all four beds from the CSU staff monitoring area.
7 Furthermore, this answering Defendant lacks information enough to form a belief as
8 to the truth of the remainder of the allegations contained within this Paragraph of the
9 Complaint and therefore denies, generally and specifically, each and every other
10 allegation contained within this Paragraph of the Complaint.

11 67. Answering Paragraph 67, this answering Defendant states that the
12 paragraph contains speculation, a narrative not factual allegations, legal conclusions
13 and/or arguments to which no response is required. To the extent that a response is
14 required, this answering Defendant lacks information enough to form a belief as to
15 the truth of the allegations contained within this Paragraph of the Complaint and
16 therefore denies, generally and specifically, each and every allegation.

17 68. Answering Paragraph 68, this answering Defendant states that the
18 paragraph contains speculation, a narrative not factual allegations, legal conclusions
19 and/or arguments to which no response is required. To the extent that a response is
20 required, this answering Defendant lacks information enough to form a belief as to
21 the truth of the allegations contained within this Paragraph of the Complaint and
22 therefore denies, generally and specifically, each and every allegation.

23 69. Answering Paragraph 69, this answering Defendant lacks information
24 enough to form a belief as to the truth of the allegations contained within this
25 Paragraph of the Complaint and therefore denies, generally and specifically, each and
26 every allegation.

27 70. Answering Paragraph 70, this answering Defendant lacks information
28 enough to form a belief as to the truth of the allegations contained within this

1 Paragraph of the Complaint and therefore denies, generally and specifically, each and
2 every allegation.

3 71. Answering Paragraph 71, this answering Defendant admits to the extent
4 that at all relevant times, the CSU was staffed and operated by SIERRA under a
5 contract with SLO county, that the CSU is equipped with live closed-circuit
6 surveillance video system that covered the area where decedent BRANCO would
7 have been housed, and that the CSU can accommodate four patients. This answering
8 Defendant further admits that the lobby doubles as a sleeping area. With respect to all
9 allegations in this paragraph not specifically admitted, this answering Defendant
10 denies, both generally and specifically, each and every remaining allegation.

11 72. Answering Paragraph 72, this answering Defendant lacks information
12 enough to form a belief as to the truth of the allegations contained within this
13 Paragraph of the Complaint and therefore denies, generally and specifically, each and
14 every allegation.

15 73. Answering Paragraph 73, this answering Defendant states that the
16 paragraph contains speculation, a narrative not factual allegations, legal conclusions
17 and/or arguments to which no response is required. To the extent that a response is
18 required, this answering Defendant admits that Decedent BRANCO was under a 5150
19 hold. Furthermore, this answering Defendant lacks information enough to form a
20 belief as to the truth of the remainder of the allegations contained within this
21 Paragraph of the Complaint and therefore denies, generally and specifically, each and
22 every other allegation contained within this Paragraph of the Complaint.

23 74. Answering Paragraph 74, this answering Defendant lacks information
24 enough to form a belief as to the truth of the allegations contained within this
25 Paragraph of the Complaint and therefore denies, generally and specifically, each and
26 every allegation.

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1 75. Answering Paragraph 75, this answering Defendant denies, generally
2 and specifically, each and every allegation contained within this Paragraph of the
3 Complaint.

4 76. Answering Paragraph 76, this answering Defendant admits to the extent
5 that the 2021-2022 Grand Jury made the findings alleged in this Paragraph. To the
6 extent that this Paragraph is alleging the truth of the alleged Grand Jury findings, this
7 answering Defendant lacks information enough to form a belief as to the truth of the
8 allegations contained within this Paragraph of the Complaint and therefore denies,
9 generally and specifically, each and every allegation.

10 77. Answering Paragraph 77, this answering Defendant denies that the 2021-
11 2022 Grand Jury finding contained an admission from SIERRA that no nurse was
12 ever physically stationed at the CSU Facility. Furthermore, this answering Defendant
13 lacks information enough to form a belief as to the truth of the remaining allegations
14 contained within this Paragraph of the complaint, and therefore denies, generally and
15 specifically, each and every other allegation contained within this Paragraph of the
16 Complaint.

17 78. Answering Paragraph 78, this answering Defendant states that the
18 paragraph contains speculation, a narrative not factual allegations, legal conclusions
19 and/or arguments to which no response is required. To the extent that a response is
20 required, this answering Defendant lacks information enough to form a belief as to
21 the truth of the allegations contained within this Paragraph of the Complaint and
22 therefore denies, generally and specifically, each and every allegation.

23 79. Answering Paragraph 79, this answering Defendant lacks information
24 enough to form a belief as to the truth of the allegations contained within this
25 Paragraph of the Complaint and therefore denies, generally and specifically, each and
26 every allegation.

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1 80. Answering Paragraph 80, this answering Defendant states that the
2 paragraph contains speculation, a narrative not factual allegations, legal conclusions
3 and/or arguments to which no response is required. To the extent that a response is
4 required, this answering Defendant lacks information enough to form a belief as to
5 the truth of the allegations contained within this Paragraph of the Complaint and
6 therefore denies, generally and specifically, each and every allegation.

7 81. Answering Paragraph 81, this answering Defendant states that the
8 paragraph contains statements of law, legal conclusions and/or arguments to which
9 no response is required. To the extent that a response is required, this answering
10 Defendant denies that it is liable to Plaintiff pursuant to the authorities cited.

11 82. Answering Paragraph 82, this answering Defendant admits.

12 83. Answering Paragraph 83, this answering Defendant refers to and
13 incorporates by reference its responses to the incorporated paragraphs as though fully
14 set forth herein.

15 84. Answering Paragraph 84, this answering Defendant states that the
16 paragraph contains speculation, a narrative not factual allegations, legal conclusions
17 and/or arguments to which no response is required. To the extent that a response is
18 required, this answering Defendant denies, generally and specifically, the allegations
19 contained therein as to any alleged actions or inactions of this answering Defendant,
20 and expressly denies any alleged deliberately indifferent actions. Furthermore, this
21 answering Defendant lacks information enough to form a belief as to the truth of the
22 remaining allegations contained within this Paragraph of the complaint, and therefore
23 denies, generally and specifically, each and every other allegation contained within
24 this Paragraph of the Complaint.

25 85. Answering Paragraph 85, this answering Defendant states that the
26 paragraph contains speculation, a narrative not factual allegations, legal conclusions
27 and/or arguments to which no response is required. To the extent that a response is
28 required, this answering Defendant denies, both generally and specifically, the

1 allegations contained therein as to any alleged actions or inactions of this answering
2 Defendant, and expressly denies any alleged deliberately indifferent actions.
3 Furthermore, this answering Defendant lacks information enough to form a belief as
4 to the truth of the remaining allegations contained within this Paragraph of the
5 complaint, and therefore denies, generally and specifically, each and every other
6 allegation contained within this Paragraph of the Complaint.

7 86. Answering Paragraph 86, this answering Defendant states that the
8 paragraph contains speculation, a narrative not factual allegations, legal conclusions
9 and/or arguments to which no response is required. To the extent that a response is
10 required, this answering Defendant denies the allegations contained therein as to any
11 alleged actions or inactions as to this answering Defendant, and expressly denies any
12 alleged deliberately indifferent actions. Furthermore, this answering Defendant lacks
13 information enough to form a belief as to the truth of the remaining allegations
14 contained within this Paragraph of the complaint, and therefore denies, generally and
15 specifically, each and every other allegation contained within this Paragraph of the
16 Complaint.

17 87. Answering Paragraph 87, this answering Defendant states that the
18 paragraph contains speculation, a narrative not factual allegations, legal conclusions
19 and/or arguments to which no response is required. To the extent that a response is
20 required, this answering Defendant denies, generally and specifically, each and every
21 allegation contained within this Paragraph of the Complaint.

22 88. Answering Paragraph 88, this answering Defendant states that the
23 paragraph contains speculation, a narrative not factual allegations, legal conclusions
24 and/or arguments to which no response is required. To the extent that a response is
25 required, this answering Defendant denies the allegations contained therein as to any
26 alleged actions or inactions of this answering Defendant, and expressly denies any
27 alleged deliberately indifferent actions. Furthermore, this answering Defendant lacks
28 information enough to form a belief as to the truth of the remaining allegations

1 contained within this Paragraph of the complaint, and therefore denies, generally and
2 specifically, each and every other allegation contained within this Paragraph of the
3 Complaint.

4 89. Answering Paragraph 89, this answering Defendant states that the
5 paragraph contains legal conclusions and/or arguments to which no response is
6 required. To the extent that a response is required, this answering Defendant denies
7 that it is liable to Plaintiff pursuant to the authorities cited, and/or pursuant to any
8 theory, cause of action, or that this answering Defendant breached any duty and/or
9 violated any rights of Plaintiff at all, and therefore denies, generally and specifically,
10 each and every allegation contained within this Paragraph of the Complaint.

11 90. Answering Paragraph 90, this answering Defendant states that this
12 paragraph is incomplete and does not state any factual allegations, therefore, no
13 answer is required. To the extent that a response is required, this answering Defendant
14 denies that it is liable to Plaintiff pursuant to the authorities cited, and/or pursuant to
15 any theory, cause of action, or that this answering Defendant breached any duty and/or
16 violated any rights of Plaintiff at all, and therefore denies, generally and specifically,
17 each and every allegation contained within this Paragraph of the Complaint.

18 91. Answering Paragraph 91, this Answering defendant states that the
19 paragraph contains legal conclusions and/or arguments, therefore, no answer is
20 required. To the extent a response is required, this Answering Defendant denies, both
21 generally and specifically, any actions, conduct, or inaction that rises to the level of
22 malice, fraud, or oppression pursuant to the authorities cited, and denies that the
23 Plaintiff is entitled to punitive and exemplary damages as to this answering
24 Defendant. Furthermore, this answering Defendant lacks information enough to form
25 a belief as to the truth of the remaining allegations contained within this Paragraph of
26 the complaint, and therefore denies, generally and specifically, each and every other
27 allegation contained within this Paragraph of the Complaint.

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1 92. Answering Paragraph 92, this answering Defendant refers to and
2 incorporates by reference its responses to the incorporated paragraphs as though fully
3 set forth herein.

4 93. Answering Paragraph 93, this answering Defendant states that the
5 paragraph contains legal conclusions and/or arguments, not factual allegations, and
6 therefore, no answer is required. To the extent that a response is required, this
7 answering Defendant denies that it is liable to Plaintiff under the authorities cited,
8 and/or pursuant to any theory, cause of action, or that this answering Defendant
9 breached any duty and/or violated any rights of Plaintiff or Plaintiff's decedent at all.
10 Furthermore, this answering Defendant lacks information enough to form a belief as
11 to the truth of the remaining allegations contained within this Paragraph of the
12 complaint, and therefore denies, generally and specifically, each and every other
13 allegation contained within this Paragraph of the Complaint.

14 94. Answering Paragraph 94, this answering Defendant denies, both
15 generally and specifically, engaging in any acts or omissions that were a substantial
16 departure of professional standards, practice or judgment. With respect to the
17 allegations directed at the remaining Defendants, this answering Defendant lacks
18 information enough to form a belief as to the truth of the allegations contained within
19 this Paragraph of the complaint, and therefore denies, generally and specifically, each
20 and every allegation contained within this Paragraph of the Complaint.

21 95. Answering Paragraph 95, this answering Defendant states that the
22 paragraph contains speculation, a narrative not factual allegations, legal conclusions
23 and/or arguments to which no response is required. To the extent that a response is
24 required, this answering Defendant lacks information enough to form a belief as to
25 the truth of the allegations contained within this Paragraph of the Complaint and
26 therefore denies, generally and specifically, each and every allegation.

27 96. Answering Paragraph 96, this answering Defendant states that the
28 paragraph contains speculation, a narrative not factual allegations, legal conclusions

1 and/or arguments to which no response is required. To the extent that a response is
2 required, this answering Defendant lacks information enough to form a belief as to
3 the truth of the allegations contained within this Paragraph of the Complaint and
4 therefore denies, generally and specifically, each and every allegation.

5 97. Answering Paragraph 97, this Answering defendant states that the
6 paragraph contains legal conclusions and/or arguments, therefore, no answer is
7 required. To the extent a response is required, this Answering Defendant denies, both
8 generally and specifically, any actions, conduct, or inaction that rises to the level of
9 malice, fraud, or oppression pursuant to the authorities cited, and denies that the
10 Plaintiff is entitled to punitive and exemplary damages as to this answering
11 Defendant. Furthermore, this answering Defendant lacks information enough to form
12 a belief as to the truth of the remaining allegations contained within this Paragraph of
13 the complaint, and therefore denies, generally and specifically, each and every other
14 allegation contained within this Paragraph of the Complaint.

15 98. Answering Paragraph 98, this answering Defendant refers to and
16 incorporates by reference its responses to the incorporated paragraphs as though fully
17 set forth herein.

18 99. Answering Paragraph 99, this answering Defendant states that the
19 paragraph contains legal conclusions and/or arguments, therefore, no answer is
20 required. To the extent a response is required, this answering Defendant denies, both
21 generally and specifically, each and every allegation contained within this Paragraph
22 of the Complaint.

23 100. Answering Paragraph 100, this answering Defendant states that the
24 paragraph contains legal conclusions and/or arguments, not factual allegations, and
25 therefore, no answer is required. To the extent that a response is required, this
26 answering Defendant denies that it is liable to Plaintiff under the authorities cited,
27 and/or pursuant to any theory, cause of action, or that this answering Defendant
28 breached any duty and/or violated any rights of Plaintiff or Plaintiff's decedent at all.

1 Furthermore, this answering Defendant lacks information enough to form a belief as
2 to the truth of the remaining allegations contained within this Paragraph of the
3 complaint, and therefore denies, generally and specifically, each and every other
4 allegation contained within this Paragraph of the Complaint.

5 101. Answering Paragraph 101, this answering Defendant states that the
6 paragraph contains speculation, a narrative not factual allegations, legal conclusions
7 and/or arguments to which no response is required. To the extent that a response may
8 be required, this answering Defendant denies the allegations contained therein as to
9 any alleged actions or inactions of this answering defendant and expressly denies any
10 alleged deliberately indifferent actions. Furthermore, this answering Defendant lacks
11 information enough to form a belief as to the truth of the other allegations contained
12 within this Paragraph of the Complaint and therefore denies, generally and
13 specifically, each and every other allegation contained within this Paragraph of the
14 Complaint.

15 102. Answering Paragraph 102, this answering Defendant lacks information
16 enough to form a belief as to the truth of the allegations contained within this
17 Paragraph of the Complaint and therefore denies, generally and specifically, each and
18 every allegation.

19 103. Answering Paragraph 103, this answering Defendant states that the
20 paragraph contains speculation, a narrative not factual allegations, legal conclusions
21 and/or arguments to which no response is required. To the extent that a response may
22 be required, this answering Defendant lacks information enough to form a belief as to
23 the truth of the allegations contained within this Paragraph of the Complaint and
24 therefore denies, generally and specifically, each and every allegation.

25 104. Answering Paragraph 104, this answering Defendant states that the
26 paragraph contains speculation, a narrative not factual allegations, legal conclusions
27 and/or arguments to which no response is required. To the extent that a response may
28 be required, this answering Defendant lacks information enough to form a belief as to

1 the truth of the allegations contained within this Paragraph of the Complaint and
2 therefore denies, generally and specifically, each and every allegation.

3 105. Answering Paragraph 105, this answering Defendant states that the
4 paragraph contains speculation, a narrative not factual allegations, legal conclusions
5 and/or arguments to which no response is required. To the extent that a response may
6 be required, this answering Defendant lacks information enough to form a belief as to
7 the truth of the allegations contained within this Paragraph of the Complaint and
8 therefore denies, generally and specifically, each and every allegation.

9 106. Answering Paragraph 106, this Answering defendant states that the
10 paragraph contains legal conclusions and/or arguments, therefore, no answer is
11 required. To the extent a response is required, this Answering Defendant denies, both
12 generally and specifically, any actions, conduct, or inaction that rises to the level of
13 malice, fraud, or oppression pursuant to the authorities cited, and denies that the
14 Plaintiff is entitled to punitive and exemplary damages as to this answering
15 Defendant. Furthermore, this answering Defendant lacks information enough to form
16 a belief as to the truth of the remaining allegations contained within this Paragraph of
17 the complaint, and therefore denies, generally and specifically, each and every other
18 allegation contained within this Paragraph of the Complaint.

19 107. Answering Paragraph 107, this answering Defendant refers to and
20 incorporates by reference its responses to the incorporated paragraphs as though fully
21 set forth herein.

22 108. Answering Paragraph 108, this answering Defendant states that the
23 paragraph contains speculation, a narrative not factual allegations, legal conclusions
24 and/or arguments to which no response is required. To the extent that a response may
25 be required, this answering Defendant lacks information enough to form a belief as to
26 the truth of the allegations contained within this Paragraph of the Complaint and
27 therefore denies, generally and specifically, each and every allegation.

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1 109. Answering Paragraph 109/110, this answering Defendant this answering
2 Defendant states that the paragraph contains speculation, a narrative not factual
3 allegations, legal conclusions and/or arguments to which no response is required. To
4 the extent that a response may be required, this answering Defendant lacks
5 information enough to form a belief as to the truth of the allegations contained within
6 these Paragraphs of the Complaint and therefore denies, generally and specifically,
7 each and every allegation.

8 110. Answering Paragraph 111, this answering Defendant states that the
9 paragraph contains speculation, a narrative not factual allegations, legal conclusions
10 and/or arguments to which no response is required. To the extent that a response may
11 be required, this answering Defendant lacks information enough to form a belief as to
12 the truth of the allegations contained within this Paragraph of the Complaint and
13 therefore denies, generally and specifically, each and every allegation.

14 111. Answering Paragraph 112, this answering Defendant states that the
15 paragraph contains speculation, a narrative not factual allegations, legal conclusions
16 and/or arguments to which no response is required. To the extent that a response may
17 be required, this answering Defendant lacks information enough to form a belief as to
18 the truth of the allegations contained within this Paragraph of the Complaint and
19 therefore denies, generally and specifically, each and every allegation.

20 112. Answering Paragraph 113, this answering Defendant states that the
21 paragraph contains speculation, a narrative not factual allegations, legal conclusions
22 and/or arguments to which no response is required. To the extent that a response may
23 be required, this answering Defendant lacks information enough to form a belief as to
24 the truth of the allegations contained within this Paragraph of the Complaint and
25 therefore denies, generally and specifically, each and every allegation.

26 113. Answering Paragraph 114, this answering Defendant states that the
27 paragraph contains speculation, a narrative not factual allegations, legal conclusions
28 and/or arguments to which no response is required. To the extent that a response may

1 be required, this answering Defendant lacks information enough to form a belief as to
2 the truth of the allegations contained within this Paragraph of the Complaint and
3 therefore denies, generally and specifically, each and every allegation.

4 114. Answering Paragraph 115, this answering Defendant refers to and
5 incorporates by reference its responses to the incorporated paragraphs as though fully
6 set forth herein.

7 115. Answering Paragraph 116, this answering Defendant states that the
8 paragraph contains legal conclusions and/or arguments, not factual allegations, to
9 which no response is required. To the extent that a response is required, this answering
10 Defendant admits that decedent BRANCO was placed on a 5150 hold. This answering
11 Defendant denies that it is liable to Plaintiff pursuant to the authorities cited, and/or
12 pursuant to any theory, cause of action, or that this answering Defendant breached
13 any duty and/or violated any rights of Plaintiff at all. With the exception of that which
14 is specifically admitted or denied herein, this answering Defendant lacks information
15 enough to form a belief as to the truth of the allegations contained within this
16 Paragraph of the Complaint and therefore denies, generally and specifically, each and
17 every allegation.

18 116. Answering Paragraph 117, this answering Defendant states that the
19 paragraph contains speculation, a narrative not factual allegations, legal conclusions
20 and/or arguments to which no response is required. To the extent that a response may
21 be required, this answering Defendant denies, generally and specifically, each and
22 every allegation pertaining to this answering Defendant. With respect to the
23 allegations pertaining to the remaining Defendants listed in this paragraph, This
24 answering Defendant lacks information enough to form a belief as to the truth of the
25 allegations contained within this Paragraph of the Complaint and therefore denies,
26 generally and specifically, each and every allegation.

27 117. Answering Paragraph 118, this answering Defendant responds that she
28 denies that she had "custody and care of BRANCO" at any time relevant to this

1 complaint. With respect to the allegations pertaining to the remaining Defendants
2 listed in this paragraph, This answering Defendant lacks information enough to form
3 a belief as to the truth of the allegations contained within this Paragraph of the
4 Complaint and therefore denies, generally and specifically, each and every allegation.

5 118. Answering Paragraph 119, this answering Defendant denies, both
6 generally and specifically, each allegation of this paragraph as it pertains to this
7 answering Defendant. With respect to the allegations pertaining to the remaining
8 Defendants listed in this paragraph, This answering Defendant lacks information
9 enough to form a belief as to the truth of the allegations contained within this
10 Paragraph of the Complaint and therefore denies, generally and specifically, each and
11 every allegation.

12 119. Answering Paragraph 120, this answering defendant denies, both
13 generally and specifically, each allegation of this paragraph as it pertains to this
14 answering Defendant. With respect to the allegations pertaining to the remaining
15 Defendants listed in this paragraph, This answering Defendant lacks information
16 enough to form a belief as to the truth of the allegations contained within this
17 Paragraph of the Complaint and therefore denies, generally and specifically, each and
18 every allegation.

19 120. Answering Paragraph 121, this answering Defendant states that the
20 paragraph contains speculation, a narrative not factual allegations, legal conclusions
21 and/or arguments to which no response is required. To the extent that a response is
22 required, this answering defendant denies that she at any time, by any act or omission,
23 caused injury or harm to Plaintiff and/or Plaintiff's decedent so as to allow recovery
24 under this cause of action, or any other cause of action, theory, statute, or enactment
25 so as to allow Plaintiff to recover damages sought, or any damages as to this
26 answering Defendant. This answering Defendant denies, generally and specifically,
27 each and every remaining allegation contained in said paragraph.

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1 121. Answering Paragraph 122, this answering Defendant refers to and
2 incorporates by reference its responses to the incorporated paragraphs as though fully
3 set forth herein.

4 122. Answering Paragraph 123, this answering Defendant states that the
5 paragraph contains speculation, a narrative not factual allegations, legal conclusions
6 and/or arguments to which no response is required. To the extent that a response may
7 be required, this answering Defendant lacks information enough to form a belief as to
8 the truth of the allegations contained within this Paragraph of the Complaint and
9 therefore denies, generally and specifically, each and every allegation.

10 123. Answering Paragraph 124, this answering Defendant states that the
11 paragraph contains speculation, a narrative not factual allegations, legal conclusions
12 and/or arguments to which no response is required. To the extent that a response may
13 be required, this answering Defendant lacks information enough to form a belief as to
14 the truth of the allegations contained within this Paragraph of the Complaint and
15 therefore denies, generally and specifically, each and every allegation.

16 124. Answering Paragraph 125, this answering Defendant states that the
17 paragraph contains speculation, a narrative not factual allegations, legal conclusions
18 and/or arguments to which no response is required. To the extent that a response may
19 be required, this answering Defendant lacks information enough to form a belief as to
20 the truth of the allegations contained within this Paragraph of the Complaint and
21 therefore denies, generally and specifically, each and every allegation.

22 125. Answering Paragraph 126, this answering Defendant lacks information
23 enough to form a belief as to the truth of the allegations contained within this
24 Paragraph of the Complaint and therefore denies, generally and specifically, each and
25 every allegation.

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1 126. Answering Paragraph 127, this answering Defendant lacks information
2 enough to form a belief as to the truth of the allegations contained within this
3 Paragraph of the Complaint and therefore denies, generally and specifically, each and
4 every allegation.

5 127. Answering Paragraph 128, this answering Defendant states that the
6 paragraph contains speculation, a narrative not factual allegations, legal conclusions
7 and/or arguments to which no response is required. To the extent that a response may
8 be required, this answering Defendant lacks information enough to form a belief as to
9 the truth of the allegations contained within this Paragraph of the Complaint and
10 therefore denies, generally and specifically, each and every allegation.

11 128. Answering Paragraph 129, this answering Defendant states that the
12 paragraph contains speculation, a narrative not factual allegations, legal conclusions
13 and/or arguments to which no response is required. To the extent that a response may
14 be required, this answering Defendant lacks information enough to form a belief as to
15 the truth of the allegations contained within this Paragraph of the Complaint and
16 therefore denies, generally and specifically, each and every allegation.

17 129. Answering Paragraph 130, this answering Defendant states that the
18 paragraph contains speculation, a narrative not factual allegations, legal conclusions
19 and/or arguments to which no response is required. To the extent that a response may
20 be required, this answering Defendant lacks information enough to form a belief as to
21 the truth of the allegations contained within this Paragraph of the Complaint and
22 therefore denies, generally and specifically, each and every allegation.

23 130. Answering Paragraph 131, this answering Defendant refers to and
24 incorporates by reference its responses to the incorporated paragraphs as though fully
25 set forth herein.

26 131. Answering Paragraph 132, this answering Defendant states that the
27 paragraph contains speculation, a narrative not factual allegations, legal conclusions
28 and/or arguments to which no response is required. To the extent that a response may

1 be required, this answering Defendant lacks information enough to form a belief as to
2 the truth of the allegations contained within this Paragraph of the Complaint and
3 therefore denies, generally and specifically, each and every allegation.

4 132. Answering Paragraph 133, this answering Defendant states that the
5 paragraph contains speculation, a narrative not factual allegations, legal conclusions
6 and/or arguments to which no response is required. To the extent that a response may
7 be required, this answering Defendant lacks information enough to form a belief as to
8 the truth of the allegations contained within this Paragraph of the Complaint and
9 therefore denies, generally and specifically, each and every allegation.

10 133. Answering Paragraph 134, this answering Defendant states that the
11 paragraph contains speculation, a narrative not factual allegations, legal conclusions
12 and/or arguments to which no response is required. To the extent that a response may
13 be required, this answering Defendant lacks information enough to form a belief as to
14 the truth of the allegations contained within this Paragraph of the Complaint and
15 therefore denies, generally and specifically, each and every allegation.

16 134. Answering Paragraph 135, this answering Defendant states that the
17 paragraph contains speculation, a narrative not factual allegations, legal conclusions
18 and/or arguments to which no response is required. To the extent that a response may
19 be required, this answering Defendant lacks information enough to form a belief as to
20 the truth of the allegations contained within this Paragraph of the Complaint and
21 therefore denies, generally and specifically, each and every allegation.

22 135. Answering Paragraph 136, this answering Defendant states that the
23 paragraph contains speculation, a narrative not factual allegations, legal conclusions
24 and/or arguments to which no response is required. To the extent that a response may
25 be required, this answering Defendant lacks information enough to form a belief as to
26 the truth of the allegations contained within this Paragraph of the Complaint and
27 therefore denies, generally and specifically, each and every allegation.

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1 136. Answering Paragraph 137, this answering Defendant refers to and
2 incorporates by reference its responses to the incorporated paragraphs as though fully
3 set forth herein.

4 137. Answering Paragraph 138, this answering Defendant states that the
5 paragraph contains legal conclusions and/or arguments, not factual allegations, and
6 therefore, no answer is required. To the extent that a response is required, this
7 answering Defendant denies that it is liable to Plaintiff under the authorities cited,
8 and/or pursuant to any theory, cause of action, or that this answering Defendant
9 breached any duty and/or violated any rights of Plaintiff or Plaintiff's decedent at all.
10 Furthermore, this answering Defendant lacks information enough to form a belief as
11 to the truth of the remaining allegations contained within this Paragraph of the
12 complaint, and therefore denies, generally and specifically, each and every other
13 allegation contained within this Paragraph of the Complaint.

14 138. Answering Paragraph 139, this answering Defendant states that the
15 paragraph contains legal conclusions and/or arguments, not factual allegations, and
16 therefore, no answer is required. To the extent that a response is required, this
17 answering Defendant denies that it is liable to Plaintiff under the authorities cited,
18 and/or pursuant to any theory, cause of action, or that this answering Defendant
19 breached any duty and/or violated any rights of Plaintiff or Plaintiff's decedent at all.
20 Furthermore, this answering Defendant lacks information enough to form a belief as
21 to the truth of the remaining allegations contained within this Paragraph of the
22 complaint, and therefore denies, generally and specifically, each and every other
23 allegation contained within this Paragraph of the Complaint.

24 139. Answering Paragraph 140, this answering Defendant states that the
25 paragraph contains legal conclusions and/or arguments, not factual allegations, and
26 therefore, no answer is required. To the extent that a response is required, this
27 answering Defendant denies, generally and specifically, each and every allegation
28 contained within this Paragraph of the Complaint.

1 140. Answering Paragraph 141, this answering Defendant states that the
2 paragraph contains legal conclusions and/or arguments, not factual allegations, and
3 therefore, no answer is required. To the extent that a response is required, this
4 answering Defendant denies, generally and specifically, each and every allegation
5 contained within this Paragraph of the Complaint.

6 141. Answering Paragraph 142, this answering Defendant states that the
7 paragraph contains legal conclusions and/or arguments, not factual allegations, and
8 therefore, no answer is required. To the extent that a response is required, this
9 answering Defendant denies that it is liable to Plaintiff under the authorities cited,
10 and/or pursuant to any theory, cause of action, or that this answering Defendant
11 breached any duty and/or violated any rights of Plaintiff or Plaintiff's decedent at all.
12 Furthermore, this answering Defendant lacks information enough to form a belief as
13 to the truth of the remaining allegations contained within this Paragraph of the
14 complaint, and therefore denies, generally and specifically, each and every other
15 allegation contained within this Paragraph of the Complaint.

16 142. Answering Paragraph 143, this answering Defendant states that the
17 paragraph contains legal conclusions and/or arguments, not factual allegations, and
18 therefore, no answer is required. To the extent that a response is required, this
19 answering Defendant denies, generally and specifically, each and every allegation
20 contained within this Paragraph of the Complaint.

21 143. Answering Paragraph 144, this answering Defendant states that the
22 paragraph contains speculation, a narrative not factual allegations, legal conclusions
23 and/or arguments to which no response is required. To the extent that a response may
24 be required, this answering Defendant lacks information enough to form a belief as to
25 the truth of the allegations contained within this Paragraph of the Complaint and
26 therefore denies, generally and specifically, each and every allegation.

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1 144. Answering Paragraph 145, this answering Defendant refers to and
2 incorporates by reference its responses to the incorporated paragraphs as though fully
3 set forth herein.

4 145. Answering Paragraph 146, this answering Defendant states that the
5 paragraph contains legal conclusions and/or arguments, not factual allegations, and
6 therefore, no answer is required. To the extent that a response is required, this
7 answering Defendant denies, generally and specifically, each and every allegation
8 contained within this Paragraph of the Complaint.

9 146. Answering Paragraph 147, this answering Defendant states that the
10 paragraph contains legal conclusions and/or arguments, not factual allegations, and
11 therefore, no answer is required. To the extent that a response is required, this
12 answering Defendant denies, generally and specifically, each and every allegation
13 contained within this Paragraph of the Complaint.

14 147. Answering Paragraph 148, this answering Defendant admits to the extent
15 that decedent BRANCO died. Except as to those allegations specifically admitted
16 herein, this answering Defendant this lacks information enough to form a belief as to
17 the truth of the allegations contained within this Paragraph of the Complaint and
18 therefore denies, generally and specifically, each and every remaining allegation.

19 148. Answering Paragraph 149, this answering Defendant states that the
20 paragraph contains legal conclusions and/or arguments, not factual allegations, and
21 therefore, no answer is required. To the extent that a response is required, this
22 answering Defendant admits to the extent that decedent BRANCO was found dead on
23 May 16, 2024. Except as to those allegations specifically admitted herein, this
24 answering Defendant denies, generally and specifically, each and every remaining
25 allegation.

26 149. Answering Paragraph 150, this answering Defendant states that the
27 paragraph contains legal conclusions and/or arguments, not factual allegations, and
28 therefore, no answer is required. To the extent that a response is required, this

1 answering Defendant admits to the extent that decedent BRANCO died. Except as to
2 those allegations specifically admitted herein, this answering Defendant this lacks
3 information enough to form a belief as to the truth of the allegations contained within
4 this Paragraph of the Complaint and therefore denies, generally and specifically, each
5 and every remaining allegation.

6 150. Answering Paragraph 151, this answering Defendant states that the
7 paragraph contains legal conclusions and/or arguments, not factual allegations, and
8 therefore, no answer is required. To the extent that a response is required, this
9 answering Defendant admits to the extent that decedent BRANCO died. Except as to
10 those allegations specifically admitted herein, this answering Defendant this lacks
11 information enough to form a belief as to the truth of the allegations contained within
12 this Paragraph of the Complaint and therefore denies, generally and specifically, each
13 and every remaining allegation.

AFFIRMATIVE DEFENSES

15 151. Without waiving or excusing the burden of proof of the named Plaintiffs
16 or admitting this answering Defendant has any burden of proof, this answering
17 Defendant asserts the following Affirmative Defenses.

FIRST AFFIRMATIVE DEFENSE

19 152. As a first, separate, and distinct affirmative defense to the Complaint, this
20 answering Defendant alleges that the Complaint herein fails to state facts sufficient to
21 constitute any valid cause of action against this answering Defendant.

SECOND AFFIRMATIVE DEFENSE

23 153. answering Defendant alleges that she acted in good faith and did not
24 directly or indirectly perform any acts whatsoever which would constitute a violation
25 of any rights possessed by the Plaintiff and/or Plaintiff's decedent, nor which would
26 otherwise constitute a breach of any duty owed to the Plaintiff and/or Plaintiff's
27 decedent.

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THIRD AFFIRMATIVE DEFENSE

2 154. As a third, separate, and distinct affirmative defense to the Complaint, this
3 answering Defendant alleges that she is immune from liability in that the injuries and
4 damages, if any, sustained by the Plaintiff and/or Plaintiff's decedent at the time and
5 places alleged in the Complaint on file herein, were a direct and proximate result of
6 the acts, omissions or negligence of a third party not within the knowledge or control
7 of this answering Defendant and were sustained, if at all, without any negligence or
8 wrongful act or omission on the part of this answering Defendant.

FOURTH AFFIRMATIVE DEFENSE

10 155. As a fourth, separate, and distinct affirmative defense to the Complaint,
11 this answering Defendant alleges that any recovery on the Complaint, and each cause
12 of action contained therein, is based on the ground that if Plaintiff and/or Plaintiff's
13 decedent suffered or incurred any obligation or liability for any loss, damage, or injury
14 as alleged in the Complaint, which obligation or liability Defendant expressly denies,
15 such liability or obligation for such loss, damage or injury was proximately caused or
16 contributed to by the negligence of third parties, persons, corporations and/or entities
17 other than this answering Defendant. Any recovery against this answering Defendant
18 must be diminished to the extent that Plaintiff and/or Plaintiff's decedent's damages
19 were proximately caused by such parties, persons, corporations and/or entities other
20 than Defendants, as required by California Civil Code Sections 1430, et seq.

FIFTH AFFIRMATIVE DEFENSE

22 156. As a fifth, separate, and distinct affirmative defense to the Complaint, this
23 answering Defendant alleges her acts and/or omissions did not actually and/or
24 proximately cause or contribute to any losses or damages for which Plaintiffs seek
25 recovery.

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SIXTH AFFIRMATIVE DEFENSE

2 157. As a sixth, separate, and distinct affirmative defense to the Complaint, this
3 answering Defendant alleges that her acts and/or omissions were not a substantial
4 factor in bringing about the injuries and damages for which Plaintiffs seek recovery.

SEVENTH AFFIRMATIVE DEFENSE

6 158. As a seventh, separate, and distinct affirmative defense to the Complaint,
7 this answering Defendant alleges that Plaintiff and/or Plaintiff's decedent's damages
8 are purely speculative.

EIGHTH AFFIRMATIVE DEFENSE

10 159. As an eighth, separate, and distinct affirmative defense to the Complaint,
11 this answering Defendant alleges that Plaintiff and/or Plaintiff's decedent has not
12 suffered any damages as a result of any action or inaction by this answering
13 Defendant.

NINTH AFFIRMATIVE DEFENSE

15 160. As a ninth, separate, and distinct affirmative defense to the Complaint, this
16 answering Defendant alleges that she is not liable for any punitive damages nor
17 statutory penalties, and this answering Defendant has never taken any action with
18 willful or conscious disregard of the Plaintiff and/or Plaintiff's decedent's rights, has
19 not engaged in any despicable conduct with regard to the Plaintiff and/ or Plaintiff's
20 decedent, has not performed or omitted any act which would constitute intentional
21 misrepresentation, deceit or concealment of a material fact with the intention of
22 depriving Plaintiff and/or Plaintiff's decedent of property, legal rights, or causing
23 injury, nor has this answering Defendant performed or omitted any act which would
24 constitute deliberate indifference to a substantial risk of harm to Plaintiff and/or
25 Plaintiff's decedent.

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TENTH AFFIRMATIVE DEFENSE

161. As a tenth, separate, and distinct affirmative defense to the Complaint, this answering Defendant alleges that Plaintiff's cause of action for Adult Dependent Abuse fails to state facts constituting intentional, malicious, or reckless conduct by this answering Defendant as required by statute and Delaney v. Baker 20 Cal.4th 23 (Cal. 1999); and as distinguished from professional negligence in Carter v. Prime Healthcare Paradise Valley LLC 198 Cal. App. 4th 396 (Cal.App.2011).

ELEVENTH AFFIRMATIVE DEFENSE

9 162. As an eleventh, separate, and distinct affirmative defense to the
10 Complaint, this answering Defendant alleges that Plaintiff fails to state egregious
11 facts, within the meaning of Covenant Care v. Superior Court 32 Cal.4th 771 (Cal.
12 2002), sufficient to state or establish a claim or prayer for attorney's fees and/or costs
13 pursuant to Welfare & Institutions Code Section 15657(a).

TWELFTH AFFIRMATIVE DEFENSE

15 163. As a twelfth, separate, and distinct affirmative defense to the Complaint,
16 this answering Defendant alleges that all events in connection with the allegations in
17 the Complaint and any resulting injuries or damages, were contributed to and
18 proximately caused by the negligence of the Plaintiff, and/or Plaintiff's decedent in
19 that the Plaintiff's decedent failed to exercise ordinary care for her well-being of
20 under the circumstances, thereby barring the Plaintiff from any recovery. In the
21 event a finding is made that negligence exists on the part of answering Defendant
22 which proximately contributed to Plaintiff and/or Plaintiff's decedent's injuries
23 and/or damages, Plaintiff's amount of recovery, if any, shall be reduced on the basis
24 of Plaintiff and/or Plaintiff's decedent's own comparative negligence which
25 contributed to the injuries and/or damages upon which recovery is sought by
26 Plaintiff against this answering Defendant.

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THIRTEENTH AFFIRMATIVE DEFENSE

2 164. As a thirteenth, separate, and distinct affirmative defense to the Complaint,
3 this answering Defendant alleges that Plaintiff lacks standing pursuant to Article III
4 of the United States Constitution to bring her claims alleged against this answering
5 Defendant as Plaintiffs' alleged damages are not fairly traceable to any actions by this
6 answering Defendant.

FOURTEENTH AFFIRMATIVE DEFENSE

8 165. As a fourteenth, separate, and distinct affirmative defense to the
9 Complaint, this answering Defendant alleges her conduct was fully justified and in
10 good faith.

FIFTEENTH AFFIRMATIVE DEFENSE

12 166. As a fifteenth, separate, and distinct affirmative defense to the
13 Complaint, this answering Defendant alleges that the imposition of exemplary or
14 punitive damages in this matter, to the extent such are sought, would violate her
15 right to due process of law in violation of both the California Constitution and the
16 United States Constitution. No excessive fines can be imposed in violation of either
17 the United States Constitution or the California Constitution.

SIXTEENTH AFFIRMATIVE DEFENSE

167. As a sixteenth, separate, and distinct affirmative defense to the
Complaint, this answering Defendant alleges that Plaintiff fails to state facts of
egregious conduct within the meaning of Covenant Care, Inc. v. Superior Court 32
Cal.4th 771 (Cal. 2004), sufficient to constitute a cause of action against this
answering Defendant for Adult Dependent Abuse within the meaning of Welfare &
Institutions Code Section 15600 et seq., the Elder and Dependent Adult Civil
Protection Act ("EADACPA").

SEVENTEENTH AFFIRMATIVE DEFENSE

27 168. As a seventeenth, separate, and distinct affirmative defense to the
28 Complaint, this answering Defendant alleges that at all times relevant to this litigation,

1 the Plaintiff and/or Plaintiff's decedent's injuries or damages were not caused by any
2 act or omission by or on behalf of this answering Defendant which occurred or failed
3 to occur under color of law, thereby precluding the Plaintiff from any recovery from
4 this Defendant.

5 **EIGHTEENTH AFFIRMATIVE DEFENSE**

6 169. As an eighteenth, separate, and distinct affirmative defense to the
7 Complaint, this answering Defendant alleges that at no time relevant to this litigation,
8 was the Plaintiff and/or Plaintiff's decedent deprived of life, liberty or property by any
9 act or omission on the part of this answering Defendant thereby precluding the
10 Plaintiff from maintaining her causes of action for violation of her and/or her
11 decedent's civil rights. Daniels v. Williams, 474 U.S. 327 (1986).

12 **NINETEENTH AFFIRMATIVE DEFENSE**

13 170. As a nineteenth separate, and distinct affirmative defense to the
14 Complaint, this answering Defendant alleges that at all times relevant to this litigation,
15 this answering Defendant acted in good faith and honest, reasonable belief that this
16 answering Defendant's actions were reasonable and necessary, thereby precluding the
17 Plaintiff from maintaining any causes of action for violation of civil rights.

18 **TWENTIETH AFFIRMATIVE DEFENSE**

19 180. As a twentieth separate, and distinct affirmative defense to the
20 Complaint, this answering Defendant alleges that no action or inaction of her caused
21 any deprivation of Plaintiffs and/or Plaintiff's decedent's federal/state civil rights and
22 other applicable statutory and judicial authorities, and thus Plaintiff is not entitled to
23 judgment against this answering Defendant.

24 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

25 181. As a twenty-first separate, and distinct affirmative defense to the
26 Complaint, this answering Defendant alleges that at all relevant times she was
27 engaging in private conduct and cannot be viewed as a "state actor" under any
28 analysis, including but not limited to the "public function," "joint action,"

1 "governmental compulsion or coercion," and/or "governmental nexus" tests. As such,
2 Plaintiff cannot state a cause of action against this answering Defendant, and this
3 Court is deprived of jurisdiction.

4 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

5 182. As a twenty-second separate, and distinct affirmative defense to the
6 Complaint, this answering Defendant alleges that if the Court finds that she "acted
7 under the color of law," then this answering Defendant is entitled to all immunities
8 accorded to a public employee under state and/or federal law, including but not
9 limited to qualified immunity and California Government Code Sections 815 through
10 856.63 inclusive.

11 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

12 183. As a twenty-third separate, and distinct affirmative defense to the
13 Complaint, this answering Defendant alleges Plaintiff has failed to join necessary and
14 indispensable parties to the action.

15 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

16 184. As a twenty-fourth separate, and distinct affirmative defense to the
17 Complaint, this answering Defendants alleges that she is not liable for damages
18 awarded under Section 3294 of the California Civil Code or any other damages that
19 might be imposed primarily for the sake of example and by way of punishing this
20 Answering Defendant.

21 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

22 185. As a twenty-fifth separate, and distinct affirmative defense to the
23 Complaint, this answering Defendant alleges that the damages sustained by Plaintiff
24 and/or Plaintiff's decedent, if any, were the result of an unavoidable accident insofar
25 as this answering Defendant is concerned, and occurred without any negligence, want
26 of care, default, or other breach of duty to Plaintiff and/or Plaintiff's decedent on the
27 part of this answering Defendant.

28 / / /

TWENTY-SIXTH AFFIRMATIVE DEFENSE

2 186. As a twenty-sixth separate, and distinct affirmative defense to the
3 Complaint, this answering Defendant alleges that the damages sustained by Plaintiff
4 and/or Plaintiff's decedent, if any, were legally caused by the acts, omissions,
5 negligence, fraud and/or breach of obligations by persons other than this answering
6 Defendant. As such, this answering Defendant is informed, believes, and thereupon
7 alleges that Plaintiff's and/or Plaintiff's decedent's damages, if any, were proximately
8 caused by the intentional acts of persons or entities other than this answering
9 Defendant, which were not reasonably foreseeable. As a result, those reasonably
10 unforeseeable intentional acts of others constitute a superseding, intervening act that
11 operates to break the chain of causation of any negligent acts or omissions attributable
12 to this answering Defendant, thereby relieving this answering Defendant of any
13 liability to plaintiff.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

15 187. As a twenty-seventh separate, and distinct affirmative defense to the
16 Complaint, this answering Defendant alleges that at all times mentioned in the
17 Operative Complaint, Plaintiff's causes of action were limited, prescribed and
18 governed by the terms and provisions of the California Civil Code, §§ 3333.1 and
19 3333.2, and this answering Defendant will urge application of these statutes at the
20 time of the trial.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

188. As a twenty-eighth separate, and distinct affirmative defense to the
Complaint, this answering Defendant alleges and contends that Plaintiff and/or
Plaintiff's decedent did not rely on any statement, act or omission by this answering
Defendant herein to their detriment.

TWENTY-NINTH AFFIRMATIVE DEFENSE

27 189. As a twenty-ninth separate, and distinct affirmative defense to the
28 Complaint, this answering Defendant reserves the right to amend her Answer to assert

1 further affirmative defenses that are not presently known but may become known
2 through further investigation and discovery. No defense is being knowingly and
3 intentionally waived.

4 **PRAYER**

5 WHEREFORE, Defendant prays for relief as follows:

- 6 1. That Plaintiff take nothing against Defendant;
- 7 2. That Defendant has judgment rendered in her favor and against Plaintiff
herein;
- 8 3. That Defendant be awarded costs of suit incurred herein; and
- 9 4. For such other and further relief as the Court may deem just and proper.

10
11 DATED: November 13, 2024

WOOD, SMITH, HENNING & BERMAN LLP

12
13
14 By:



15 BRIAN L. HOFFMAN

16 CRYSTAL L. RORABAUGH

17 Attorneys for Defendant, JULIA TIDIK, NP

DEMAND FOR JURY TRIAL

**TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE
PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Defendant, JULIA TIDIK, hereby demands a jury trial in the above-entitled action.

DATED: November 13, 2024 WOOD, SMITH, HENNING & BERMAN LLP

WOOD, SMITH, HENNING & BERMAN LLP

By:

BRIAN L. HOFFMAN

CRYSTAL L. RORABAUGH

Attorneys for Defendant, JULIA TIDIK, NP

WOOD, SMITH, HENNING & BERMAN LLP
10960 WILSHIRE BOULEVARD, 18TH FLOOR
LOS ANGELES, CALIFORNIA 90024-3804
TELEPHONE 310.481.7600 • FAX 310.481.7650

1 **PROOF OF SERVICE**

2 **Cooper et al v. County of San Luis Obispo et al**
3 **Case No. 2:24-cv-08187-DDP-AJR**

4 I am employed in the County of Los Angeles, State of California. I am over
5 the age of eighteen years and not a party to the within action. My business address
6 is 10960 Wilshire Boulevard, 18th Floor, Los Angeles, CA 90024-3804.

7 On November 13, 2024, I served the following document(s) described as
8 **DEFENDANT JULIA TIDIK'S ANSWER TO PLAINTIFFS' COMPLAINT;
DEMAND FOR JURY TRIAL** on the interested parties in this action as follows:

9 **SEE ATTACHED SERVICE LIST**

10 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed
11 the document(s) with the Clerk of the Court by using the CM/ECF system.
12 Participants in the case who are registered CM/ECF users will be served by the
13 CM/ECF system. Participants in the case who are not registered CM/ECF users will
14 be served by mail or by other means permitted by the court rules.

15 I declare under penalty of perjury under the laws of the United States of
16 America that the foregoing is true and correct and that I am employed in the office
17 of a member of the bar of this Court at whose direction the service was made.

18 Executed on November 13, 2024, at Los Angeles, California.

19 /s/Jessica Avila

20 Jessica Avila